



US Army Corps
of Engineers®

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

Regulatory Branch
333 Market Street
San Francisco, CA 94105-2197

NUMBER: 25148N: Reuse of Mare Island Dredged Material Disposal Ponds

DATE: July 22, 2005

**NOTICE OF AVAILABILITY OF RE-CIRCULATED DRAFT EIS/EIR FOR
PUBLIC COMMENT;**

NOTICE OF PUBLIC MEETING ON RE-CIRCULATED DRAFT EIS/EIR

PERMIT MANAGER: Robert Lawrence; PHONE: (415) 977-8020; E-mail: robert.j.lawrence@usace.army.mil

1. INTRODUCTION: The United States Army Corps of Engineers (Corps) and the City of Vallejo (City) have released the Draft Environmental Impact Statement/Environmental Impact Report (Draft EIS/EIR) for the Proposed Reuse of the Mare Island Dredged Material Disposal Ponds as a Confined Upland Dredged Material Disposal Facility (proposed action). The joint Draft EIS/EIR is a revised document that is being re-circulated. In February 2004, the Corps and City circulated a Draft EIS/EIR for the reuse of the Mare Island dredged material disposal ponds on Mare Island in the City of Vallejo, Solano County, California. As a result of the comments received, the additional information required to respond to those comments and changes to the project description, the Draft EIS/EIR is being re-circulated for public review and comment. The updated draft is being considered as a new document and incorporates responses (unidentified) to comments on the original draft. The Final EIS/EIR will contain responses only to the comments received on the re-circulated document (document). A public meeting will be held on Monday, August 15, 2005, from 7 to 9 p.m., at the City Council Chambers in Vallejo, California, located at 555 Santa Clara Street in the City of Vallejo, to solicit additional comments on the Draft EIS/EIR. Information on the project, as well as the entire text of the Draft EIS/EIR, can be found on the Internet at <http://www.mareisland.org>. The document is also available at the City of Vallejo Planning Department.

On behalf of the City, WESTON Solutions Inc. (WESTON), Suite 212, 1575 Treat Blvd., Walnut Creek, CA 94598, (contact: Peggy Lobnitz, [818] 382-1800) has applied for a Department of the Army permit to deposit up to 9.3 million cubic yards of regionally-dredged material into seven dredge disposal ponds covering an area of approximately 275 acres on the western side of Mare Island. This individual permit is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344) to place dredge or fill material into waters of the United States and Section 10 of the Rivers and Harbors Act (33 U.S.C. 403) to conduct work in navigable waters.

2. PROJECT DESCRIPTION: The project includes WESTON's commercial operation of seven dredged disposal ponds through a 20-year sublease from the City under the City's long-term lease of the area from the State Lands Commission.

The project area, where the proposed action would be implemented on Mare Island, includes Ponds 2S, 2M, 2N, 4S, 4M, 4N on the western side; Pond 7 on the southwestern side; Piers 34 and 35 and the shoreline areas on the southside; San Pablo Bay; and pipeline alignments and roads connecting the piers to the ponds (see attached sheets 1 through 3).

The Draft EIS/EIR document includes information on the operations of the facility and analyzes the no-action and three other action alternatives that vary in

number of ponds used and heights of the levees. The three other alternatives are: Alternative 1: Seven-Pond, Raised-Levee; Alternative 2: Seven-Pond, Highest Levee Alternative; and Alternative 3: Six-Pond, Highest Levee Alternative. The environmental consequences of each alternative are discussed in the Draft EIS/EIR.

An estimated 12.33 acres out of a total of 275 acres of waters of the United States within the existing ponds will be impacted by levee-raising activities. The mitigation proposal for the project consists of the following two components: (1) creating approximately 16 acres of new pickleweed marsh and associated upland transition habitat in a degraded upland area located south of Pond 2S; and (2) restoration of approximately 255 acres of higher value pickleweed and seasonal wetland habitat on Mare Island in approximately 20 years. After each disposal event of clean dredged material, the facility will be managed to allow for limited ponding during the rainy season. This is to replace the limited ponding that occurs at the present time. The 16 acres of proposed wetland creation will be implemented at the start of the project to compensate for concurrent and future levee raising impacts that will occur during the 20-year project.

Individual dredging projects that select the proposed facility as a disposal site are not the subject of this Draft EIS/EIR or permit application and would require separate review and authorization by the Department of the Army. If alternative future uses for the ponds are proposed, separate environmental assessments and permit evaluations will have to be conducted for those uses.

3. SITE DESCRIPTION: Mare Island is located on the western edge of the City of Vallejo in Solano County, California, about 30 miles northeast of the City of San Francisco. Mare Island, which is 3.5 miles long and 1 mile wide, was home to the Mare Island Naval Shipyard from 1854 to 1996, when the

base was closed pursuant to the Defense Base Realignment and Closure Act (BRAC) of 1990.

The western side of Mare Island is composed of wetlands, dredge material disposal ponds, and submerged lands. The shoreline provides habitat for fish spawning in the salt marshes that extend the length of the western side of the island and are contiguous with marshes in the San Pablo Bay National Wildlife Refuge.

During the winter (rainy season), the ponds provide limited aquatic habitat for Pacific Flyway waterfowl. As the ponds dry out, seasonal annual wetland vegetation provides cover to small mammals for a few months. The ponds have been managed for the last 12 years to eliminate suitable habitat for the state and federal endangered salt marsh harvest mouse, per a 1988 Memorandum of Understanding between the U.S. Navy and the U.S. Fish and Wildlife Service. Pond management involves extensive annual disking after the pond bottoms have dried enough to support a tractor.

4. PURPOSE AND NEED: The purpose of the proposed action is to provide an upland disposal site for dredged material and to generate City revenues lost because of the base closure. The need for the action is to (1) support the Long Term Management Strategy goals for disposal of dredged materials in the San Francisco Bay region at an upland site to minimize dredged materials going into the Bay or the ocean, and for beneficial reuse of dredged material, (2) support the regional need for an upland disposal site to store dredged materials that are unsuitable for aquatic disposal, (3) support the BRAC commitments between the City and the federal government to provide economic return to the City, (4) beneficially reuse surplus government property, and (5) implement the base reuse plan.

According to WESTON, several million cubic yards of dredged material are removed annually from the

San Francisco and San Pablo Bay area to maintain or deepen marina basins, ports and existing channels. The dredged sediment must then be disposed in an appropriate location. Historically, sediment has been placed in three designated disposal areas of the Bay, the San Francisco Deep Ocean Disposal Site, or in one of the few upland disposal locations. However, due to the fishing community's concern for the decrease of catch in the bay, the public's concern about potentially high levels of sediment contaminants, and the possible loss of aquatic habitat functions, a review of disposal options revealed that there is currently a preference for land disposal options. Locations for upland placement of dredged material in the Bay Area are limited. This project would help to resolve the need for upland dredge disposal sites in the San Francisco and San Pablo Bay area.

5. STATE APPROVALS: The project proponents state that they have notified the Regional Water Quality Control Board, Francisco Bay Region, to determine the need for State water quality certification. If the State Water Resources Control Board determines that this project is consistent with the California Water Quality Control Plan, requirements adopted by the Regional Board and Sections 301, 302, 303, 306 and 307 of the Clean Water Act, the State will issue a Certificate of Conformance with Water Quality Standards to the project proponent. Those parties concerned with any water quality problems that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California, 94612.

Elements of the project are also within the jurisdiction of the San Francisco Bay Conservation and Development Commission (BCDC). The applicant plans to obtain a BCDC permit.

6. COMPLIANCE WITH VARIOUS FEDERAL LAWS: National Environmental Policy Act of 1969 (NEPA): The Corps will assess the environmental impacts of the proposed action in accordance with the requirements of the National Environmental Policy Act of 1969 (Public Law 91-190), The Council on Environmental Quality's Regulations, 40 CFR 1500-1508, and Corps' Regulations 33 CFR 230 and 325. The final NEPA analysis will address the direct, indirect, and cumulative impacts that result from regulated activities within the jurisdiction of the Corps and other non-regulated activities the Corps determines to be within its purview of Federal control and responsibility to justify an expanded scope of analysis for NEPA purposes. The final NEPA analysis will be incorporated in the decision documentation that provides the rationale for issuing or denying a Department of Army permit for the project.

Endangered Species Act of 1973: Stephanie Myers review this section. The following listed threatened or endangered species are known to occur on site or in the project vicinity. The Corps will be consulting with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service concerning the project effects on these species.

Salt Marsh Harvest Mouse (*Reithrodontomys raviventris*): The salt marsh harvest mouse (SMHM) is a federal and state endangered species. Historically, populations of SMHM were present in the disposal ponds. Following implementation of pickleweed control within the ponds, as specified by the 1988 Memorandum of Understanding between the Navy and U.S. Fish and Wildlife Service, there has been no available habitat and no documented occurrences of SMHM within the ponds. Populations of SMHM are known to occur within the tidally influenced wetlands to the west of the disposal ponds as well as within the SMHM Refuge to the south of the six contiguous disposal ponds. This species would be expected to utilize the outer

slopes of the pond levees as high tide and storm refuge.

California Clapper Rail (*Rallus longirostris obsoletus*): The California clapper rail is a state and federal endangered species. California clapper rails are known to use the western tidal wetlands of Mare Island.

Western Snowy Plover (*Charadrius alexandrinus nivosus*): The western snowy plover is a federal threatened species with critical habitat. Western snowy plover were identified as a transient species on Mare Island tidal flats.

California brown pelican (*Pelecanus occidentalis californicus*): The California brown pelican is a federally and state-listed endangered and fully protected species. California brown pelicans was identified as a transient species in the action area during the summer and fall months.

Delta smelt (*Hypomesus transpacificus*): The Delta smelt is a threatened species of fish that spawns in the Napa River system. The Napa River system is not included in the designated critical habitat, which includes all of Suisun Bay and Grizzly Bay. This species is dependent on the salinity/freshwater-mixing zone, which moves up and down the estuary. When the zone is within the Suisun Bay, smelt disperse throughout shallow-water and marsh habitat and may remain there after the mixing zone moves upstream out of Suisun Bay. Delta smelt are not ordinarily found in Carquinez Strait or San Pablo Bay, but do appear there during unusually wet winters or unusually heavy rainfall events in average winters.

Chinook Salmon (*Oncorhynchus tshawytscha*): The National Marine Fisheries Service recognizes two Evolutionary Significant Units (ESU) of Chinook spawning in the Sacramento and San Joaquin River system. Based on timing of the spawning runs, the

Sacramento winter-run, Central Valley fall-/late fall-run, and the Central Valley spring-run may be present in the Mare Island/Carquinez Strait anytime from late August to the end of May. Juveniles may be present in the project vicinity anytime from September through the end of May. All waters of San Pablo Bay, which includes the Mare Island area, are included within the critical habitat designated for the Sacramento winter-run and Central Valley spring-run Chinook.

Steelhead (*Oncorhynchus mykiss*): The National Marine Fisheries Service recognizes two Evolutionary Significant Units of steelhead in the San Pablo Bay, the Central California Coast and the Central Valley steelhead. Central California Coast steelhead spawn in the Napa River and in streams that enter the San Pablo Bay, Suisun Bay and San Francisco Bay. Central Valley steelhead spawn in the Sacramento/San Joaquin River system. Adults could be in the vicinity of Mare Island anytime between August and May, and juveniles from December through May.

Magnuson-Stevens Fishery Conservation and Management Act of 1966: The project occurs within designated Essential Fish Habitat for the Pacific Groundfish, Coastal Pelagics, and Pacific Salmon Fisheries and other species. The Corps will coordinate with the National Marine Fisheries Service concerning project effects on Essential Fish Habitat.

National Historic Preservation Act of 1966: Mare Island Naval Shipyard was designated a National Historic Landmark by the Secretary of the Interior in 1975. National Historic Landmark (NHL) status is the highest honorary designation that may be conferred upon a historic property. Mare Island's historical status therefore is equivalent to that of the Presidio of San Francisco, the Empire State Building, New Orleans's "French Quarter," and other well-known historic properties.

The Mare Island NHL, as originally defined, consists of four distinct clusters of the earliest buildings on the shipyard, including the historic housing, the Marine barracks, the Naval Hospital, and the Naval Ammunition Depot. Loss of historic integrity in any of these areas could lead to removal of Landmark designation. Therefore, preservation of the historic character of the district as a whole must be considered in any planning effort. Loss of a large number of contributing resources, even if scattered throughout the district, could affect the integrity of the Landmark.

The Mare Island Historic District encompasses a contiguous area of approximately 980 acres (65% of the island) and includes numerous resources not included in the NHL designation. In 1997, the Mare Island Historic District was listed in the National Register. The project area includes resources within the ammunition depot that were developed after 1931 and are contributing elements of the National Register historic district but are not part of the NHL. The Corps will consult with the State Historic Preservation Officer pursuant to Section 106 of the National Historic Preservation Act to take into account any project effects.

7. COMPLIANCE WITH THE 404(b)(1) GUIDELINES: Projects resulting in dredged or fill material discharges into waters of the United States must comply with the Guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b) of the Clean Water Act (33 U.S.C. 1344(b)). An evaluation pursuant to the Guidelines indicates the project is not dependent on a location in or proximate to waters of the United States to achieve the basic project purpose. This conclusion raises the (rebuttable) presumption of the availability of a less environmentally damaging practicable alternative to the project that does not require the discharge of dredged or fill material into special aquatic sites. The project proponents have submitted an analysis of project alternatives to be reviewed for compliance with the Guidelines. The

alternatives are discussed in the Draft EIS/EIR, and the Section 404(b)(1) analysis is included in Appendix F of the Draft EIS/EIR.

8. PUBLIC INTEREST EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts that the proposed activity may have on the public interest requires a careful weighing of all those factors that become relevant in each particular case. The benefits that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision will reflect the national concern for both protection and utilization of important resources. All factors that may be relevant to the proposal must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

9. CONSIDERATION OF COMMENTS: The Corps is soliciting comments from the public, Federal, State and local agencies and officials, Native Americans, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties,

water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of a final EIS/EIR pursuant to the NEPA. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

10. SUBMISSION OF COMMENTS: Interested parties have an opportunity to review and comment on the document during a **45-day review period between July 22, 2005 and September 6, 2005** (45 days). Submit comments of the Draft EIS/EIR by **September 6, 2005** to:

Jerry Haag, City of Vallejo
Development Services, Planning Division
555 Santa Clara Street, Vallejo, CA, 94590
(707) 648-4326

Robert Lawrence, U.S. Army Corps of Engineers,
San Francisco District, Regulatory Branch
333 Market Street, San Francisco, CA, 94105
(415) 977-8020.

The Draft EIS/EIR, as well as information on the project, can be found on the Internet at <http://www.mareisland.org>.

Copies of the Draft EIS/EIR are also available at the following locations.

- City of Vallejo Planning Division,
555 Santa Clara Street, Vallejo, CA, 94590
- JFK Library, 505 Santa Clara Street,
Vallejo, CA, 94590
- State Clearinghouse, 1400 Tenth Street,
Sacramento, CA, 95814